



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

September 4, 2013

6:00 PM

Benton County Administration Building
215 East Central Avenue

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:08 PM by Planning Board Chair Ashley Tucker.

Roll Call: Mark Curtis, Jim Cole, Starr Leyva, Ashley Tucker, Ken Knight, Rick Williams, and John Pate were present.

Staff present: Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Division Manager Rinkey Singh, Planning Coordinator Amber Beale, and Planning Assistant Matt Benton were present.

Public: Three (3) members of the public were present.

Disposition of Minutes: Mr. Curtis moved to approve the August 21, 2013 Planning Board Meeting Minutes. The motion was seconded by Mr. Cole. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business: None

The Public Hearing ended at 6:11 PM.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:12 PM

Old Business: None

New Business: A.) Larry Butler Variance Request, File # 13-304
Represented by Larry Butler of 8336 Timberlake Loop, Rogers

Comments from Staff: Staff stated the applicant is requesting a variance to complete a storage building that is located 32 feet from the centerline at 8336 Timberlake Loop in Piney Point Subdivision. Staff noted that a 50 foot setback from the centerline is required by the county regulations. Staff informed the Board that the project is 90 percent complete and that a stop-work order was issued by the Building Department.

Staff gave a brief background of the applicant's request. It was noted that on August 7, 2013 a complaint was received that the applicant was building a structure with no permit. On August 13th, Chief Building Inspector

Glenn Tracy conducted a site visit and issued a stop work order. On August 14th, the applicant attended the Development Review Committee and submitted a letter to Staff confirming that he would add the roof to the building to protect from the elements; however, he stated he understood that Planning Board approval for a variance from the setback is required.

Comments from Applicant: Mr. Butler stated that the storage building is 90 percent complete and that he would like to finish it at its current location.

Questions/Comments from the Board: Mr. Pate asked the applicant what the dimensions are for the structure. Mr. Butler replied that they are 12' x 22'. Mr. Pate asked if the building would be a permanent residence. Mr. Butler replied that this building is a storage building, but that he intends to build a separate, detached permanent residence on-site in the near future.

Mr. Curtis asked if the applicant has provided documentation on ownership. Mr. Butler replied the he brought the documentation with him to the meeting.

Mr. Pate asked the applicant why he didn't adhere to the 50 foot setback. Mr. Butler replied he was under the impression that portable buildings could be placed within the setback. He added that other buildings in the area are within the building setback.

Mr. Knight asked if the building is portable. The applicant replied that skids had been placed underneath it, so it could be moved if needed. Mr. Knight asked if there is room to move the building out of the setback. Mr. Butler replied that there was a drop-off behind the building and that large oak trees would block the movement. He noted that the curvature of the road would require the structure to not only be moved back, but to also be moved to the east in order to get it out of the building setback.

Mr. Tucker asked if the building is a residence or storage building. The applicant replied that it is a storage building.

Mr. Curtis stated that Timberlake Loop is a narrow road and that other structures exist within the right-of-way. He added that in the past the Board has issued similar variances in the same area.

Mr. Tucker noted that there are no foreseeable utility expansions in the area in the near future.

The applicant was informed by the Board to return to the Public Hearing in two (2) weeks.

B.) Ozark Mountain Trading Company, LSD #13-311

Represented by Larry Jenkins of 14644 E. Highway 62, Garfield

Comments from Staff: Staff stated the applicant proposes to construct a 1,200 sq. ft. addition to the west side of the existing 3,200 sq. ft. building. The 3,200 sq. ft. building is where the applicant's current commercial operation is located. Staff noted an additional house on site that is being used as a business office.

Staff provided a brief background on the proposal. It was noted that on June 17, 2008, the applicant was approved for a variance from Large Scale Development regulations for an 800 sq. ft. addition to the east side of the existing 2,400 sq. ft. structure. On August 26, 2013, the applicant contacted staff regarding a building permit for a 1,200 sq. ft. addition to the west side of the existing 3,200 sq. ft. structure. The applicant attended the Development Review Committee at the request of staff on August 28, 2013.

Staff noted that the applicant is requesting the following waivers:

- A waiver from submitting a detailed stormwater detention plan or study due to the limited impervious surfaces proposed on-site.
- A waiver from engineered drawings due to the minor nature of the proposal.

Comments from Applicant: Mr. Jenkins stated that the proposed addition would have no plumbing, just lighting.

Questions/Comments from the Board: Mr. Curtis asked the applicant how long his business had been at the current location. The applicant replied that he had been there for 20 years and had been selling canoes and kayaks for 10 years.

Mr. Knight asked staff what comments were needed from the Health Department. Staff replied that the Health Department had yet to reply to the interdepartmental review request.

Mr. Knight asked what defines “fast growing” ground cover. Ms. Singh replied that in the past planning staff recommended specific landscape plant species; however, the applicants would come back to staff with other options. Therefore, staff now provides guidelines to the applicant rather than suggest specific types of plantings so that they may select a suitable plant material in discussions with a landscape professional. She added that the only criterion provided by staff for landscaping is that it should not take years to achieve adequate screening.

Mr. Tucker asked how the additional ADA space would be handled. Mr. Jenkins stated he did not intend to pave the space and felt the gravel would be adequate. Mr. Tucker replied that the county regulations specify a “hard surface” as being a requirement for ADA spaces. Ms. Singh stated that navigating a wheelchair could be difficult on gravel. Mr. Tucker said that the Board would be unable to waive the surface requirement. Mr. Curtis stated that pavers could qualify as a hard surface and that the Board could be flexible given the situation. Ms. Leyva asked staff how the ADA parking requirement was handled for the Robert’s Small Animal and Poultry Auction proposal. Ms. Singh stated that in that case the compacted earth was deemed satisfactory as the land is flat. Mr. Jenkins added that the gravel in the parking area is new and had not had a chance to compact.

Mr. Tucker reminded that Board that the approval was not just for a kayak store, but for a retail facility that could change uses in the future. Mr. Tracy replied that the approval should only consider that applicant’s proposed use, not potential uses that could happen in the future. He said he would have to review the ADA handbook to see if a gravel space with a sign would qualify as an acceptable accessible space. Mr. Tucker reminded the Board that as long as it’s adequately signed and meets building code, the location of the space would be acceptable.

Mr. Curtis stated that landscaping along the front of the property should be put off until the highway expansion is completed. Mr. Tucker added that the Board had waived the buffer requirements for three (3) adjacent businesses in the past.

The applicant was informed that he would need to attend the Public Hearing in two (2) weeks.

The Public Hearing ended at 6:54 PM

STAFF UPDATES: Staff informed the Board of all administratively-approved projects, DRC items, and courtesy reviews for the month of August.

Mr. Tucker asked for clarification on the courtesy review items. Ms. Singh responded that these are properties within the planning boundary of the cities, and that per State Code cities are required to provide the plans to the County for review as well. Mr. Sudduth asked staff to give notice to the Board when a courtesy review request is received.

Ms. Singh updated the Board on the status of the planning regulations rewrite.

DISCUSSION ITEMS: None

The meeting adjourned at 7:26 PM.